

UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 15, 2021

SEAN F. MCAVOY, CLERK

U.S.A. vs. Finley, Leland James Docket No. 0980 1:19CR02055-SMJ-1

Petition for No Action on Conditions of Pretrial Release

COMES NOW Linda J. Leavitt, PRETRIAL SERVICES OFFICER presenting an official report upon the conduct of defendant Leland James Finley, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge Mary K. Dimke sitting in the court at Yakima, Washington, on the 21st day of February 2020, under the following conditions:

Special Condition #7: Defendant shall obtain a portable Breathalyzer and be subject to testing up to six times per day. Defendant is responsible for the cost of the device.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Violation #1: Mr. Finley is alleged of being in violation of his pretrial release conditions by failing to submit to his portable Breathalyzer testing as required on January 14, 2021, between 12 p.m. and 2 p.m.

Conditions of pretrial release were reviewed and signed by Mr. Finley on February 24, 2020, acknowledging an understanding of his pretrial release conditions including special condition number 7.

On January 14, 2021, this officer received a text message from Mr. Finley advising he was "sorry" for missing his 12 p.m. to 2 p.m. Breathalyzer test. Mr. Finley stated his doctor prescribed him medication to help with insomnia and shared it's "too strong of a medication." This officer asked Mr. Finley to send a picture of the prescription and this officer asked when he took the medication. Mr. Finley sent a picture of the prescription and stated he took one pill at 4:30 a.m. Mr. Finley advised this officer he is staying at his sister's house watching his nieces while she is at work. He stated his nieces' schedule is off, so they went to sleep late. Mr. Finley did not submit another test until 2:48 p.m., which tested negative. To be noted, on January 14, 2021, Mr. Finley submitted a Breathalyzer test at 5:03 a.m.

PRAYING THAT THE COURT WILL TAKE NO ACTION AT THIS TIME

I declare under the penalty of perjury
that the foregoing is true and correct.

Executed on: January 15, 2021

by s/Linda J. Leavitt

Linda J. Leavitt
U.S. Pretrial Services Officer

Re: Finley, Leland James

January 15, 2021

Page 2

THE COURT ORDERS

- ☒ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other

M. K. Brinke 

Signature of Judicial Officer

1/15/2021

Date